



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,984	08/27/2001	Jonathan A. Dorsey	D/A0A42 XER 2 0418	4156

7590 11/23/2004  
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP  
Seventh floor  
1100 Superior Avenue  
Cleveland, OH 44114-2518

EXAMINER

HAILU, TADESSE

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/939,984

Applicant(s)

DORSEY ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 13-17 is/are rejected.
- 7) ☒ Claim(s) 6, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This Office Action is in response to the patent application number (09/939,984) filed on August 27, 2001.
2. The pending claims 1-18 are examined herein as follows:
3. The Formal Drawings submitted on Feb 8, 2002 are considered and entered into the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 7, 9-11, 13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Armington et al (2002/0104293).

Armington relates to packaging system, wherein the system provides packaging instructions to a user.

With regard to claims 1, 7, and 13:

Armington discloses packaging system, Fig. 1 (an informational system) for a graphical user interface (Figs. 6a-6c, 12-14, and 19-20), includes, among other features a plurality of images or video clips of material to be packaged (video objects)

(see paragraph 66), wherein each material to be packaged includes among other things a plurality of video clips or segments (see paragraph 99).

Armington further discloses a plurality of textual instructions or steps associated with each material to be packaged (see Figs. 6a-6c, and 19-20).

Armington further discloses a corresponding textual instruction to be applied as shown on the display; similarly each displayed materials is also corresponds to said textual instruction. For example, as illustrated in Fig. 19 or 20 the instruction to be performed corresponds to the image/video clip shown on the display. Thus, there is a bi-directional linkage between the textual instruction to be performed and the displayed image/video clip (Figs. 6a-6c, and 19-20).

Armington further discloses a video interface #1010 or adapter for a video output; Armington further discloses video window (#144, for example) for displaying said video segments of a selected video object (paragraph 66).

Armington also discloses text window for displaying one or more of said text steps of a selected text object (see textual windows in Figs. 6a-6c, and 19-20).

Armington further discloses highlighting the immediate instruction step to be performed (paragraph 19, also see Fig. 6c, "*Stop/Finished*" step is highlighted) in said text window in correspond to the displayed image/video clip in video/image window (e.g. window 144, also see Figs. 6a-6c, and 19-20).

With regard to claims 3, 9, and 15:

Armington also discloses image/ video control bar (figs. 19-20, #1208, 1218, 1212, 1214, 1216), wherein an operator may reposition (via a mouse cursor) said

Art Unit: 2173

selected video object to a desired video frame of a desired video segment, displayed in said video window, and wherein said text window automatically displays a highlighted text step linked to said desired video segment (paragraphs 72, and 74).

With regard to claims 4, 10, and 16:

Armington also discloses a text selection means (via a mouse cursor),  
Wherein an operator may select a desired text step in said text window and wherein said desired text step becomes said highlighted text step, and wherein said video window automatically displays a video segment linked to said desired text step (see paragraphs 94, 98, a00 and 109).

With regard to claims 5, 11, and 17:

Armington also discloses a timer (e.g., delay timer) an amount of time before an instruction/image automatically proceeds to the next instruction/image (see paragraphs 105, 141, 143 and 147); Armington also discloses look-up table (paragraph 45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armington et al (2002/0104293) in view Ferriter (US Pat No. 5,212,635).

While Armington's textual instruction includes sequential number (e.g., Figs. 19-20), but Armington does not expressly disclose a text number icon, wherein said icon is displayed in said video window and corresponds to said highlighted text step in said text window. " However, Ferriter discloses the above limitation, that is, as illustrated in Fig. 2, a text number icon (icon 3), wherein said icon is displayed in said image window 26 and corresponds to said highlighted text step (38) in said text window 28 (see Fig. 2, column 4, lines 3-10).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the highlighted numeral icon of Ferriter with the image/video display of Armington because user will be able to easily associate the steps to be performed with the corresponding image/video clips just by viewing the highlighted numeral icon on the image/video window (also see Armington, paragraph 90).

Therefore, it would have been obvious to combine Armington with Ferriter to obtain the invention as specified in claims 2, 8, and 14.

#### ***Allowable Subject Matter***

6. Claims 6, 12, and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: while the reference of record discloses displaying the numeral (instruction

Art Unit: 2173

number) icon within the image window, but the reference of record does not expressly disclose, "...tags interspersed within said video objects."

#### CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Tadesse Hailu*  
*Nov 19, 2004*